

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**GABRIEL POSEY and
BRYAN COBBS,**

Plaintiffs,

V.

**PONCE SERVICES INC. and
JUAN PONCE,**

Defendants

[illegible]

CIVIL ACTION NO. 4:14-cv-02191

JURY TRIAL DEMANDED

PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL OF ALL CLAIMS

Gabriel Posey and Bryan Cobbs, (“Plaintiffs”) give notice of their dismissal all their claims against Ponce Services, Inc., and Juan Ponce, as authorized by Federal Rule of Civil Procedure 41(a)(1). In support thereof, Plaintiffs show the following.

1. A plaintiff is permitted to dismiss all claims by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). A notice filed under such circumstances is effective to dismiss the case without the necessity of a court order. *Id.* Such a notice causes a dismissal without prejudice, unless the notice states otherwise. Fed. R. Civ. P. 41(a)(1)(B).
2. A plaintiff should be permitted to voluntarily dismiss her own claims, as long as the non-movant will not be prejudiced. *Versa Prods. Inc. v. Home Depot, USA Inc.*, 387 F.3d 1325, 1327 (11th Cir. 2004).

3. There is no risk of prejudice to Defendants in granting this voluntary dismissal of Ponce Services Inc., and Juan Ponce.
4. The Defendants have not been served with the complaint, and therefore have not, and will not, serve any answers, file any motions, or incur any costs.
5. Plaintiffs therefore give notice of the dismissal of Ponce Services Inc., and Juan Ponce without prejudice.

Respectfully submitted,

TRAN LAW FIRM L.L.P.

/S/Trang Q. Tran

Trang Q. Tran

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

Since the Plaintiffs are dismissing the complaint prior to service of the complaint no service of this notice is necessary.

/S/Andrew H. Iwata

Andrew H. Iwata